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OFFICE OF PETITIONS

In re Application of :
Boothby et al. : DECISION ON
Application No. 09/776,452 : PETITION
Filed: February 2, 2001 :
Atty Docket No. 05110-016002 :

This is a decision on the "PETITION UNDER 37 CFR §1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE," filed November 26, 2004. The petition was recently forwarded to the undersigned for consideration.

The petition under § 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the required issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance mailed October 23, 2003. A Notice of Abandonment was mailed on April 19, 2004.

Applicants filed the instant petition on the basis that the Notice of Allowance was not received from the Office. Applicants enclosed a Request for Continued Examination (RCE) and Information Disclosure Statement (IDS) in response to the Notice of Allowance.

Consideration of the petition, in light of a review of the record reveals that:

Applicants asserted that the Notice of Allowance and the Notice of Abandonment were mailed to an incorrect address. Applicants obtained copies of these documents upon inspection of the

application file on October 19, 2004. The instant petition was promptly filed after such inspection.


The record confirms that the Office erred in entering a change of correspondence address in this application. Further, both Office communications were mailed to this incorrect address. It is concluded that under the circumstances withdrawal of the holding of abandonment is warranted.

Pursuant to the change of address, the correspondence address has been corrected back to that of customer No. 26161.

In view thereof, the Notice of Abandonment is VACATED and the holding of abandonment is hereby WITHDRAWN.

Technology Center AU 2171 has been advised of this decision. The application file is, thereby, being forwarded to the Technology Center for consideration by the examiner of the Request for Continued Examination and IDS filed November 26, 2004, as well as, the IDS filed January 7, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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Office of Petitions